

DOCKET NO. 1999.06.013.WS0 (SAMS01-00063)  
Customer No. 23990

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Neerav N. Dalal  
Serial No.: 09/212,852  
Filed: December 16, 1998  
For: Unified Architecture for CDMA Network and Method of Operation  
Group No.: 2665  
Examiner: Alpus Hsu

MAIL STOP ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**  
**DETERMINATION UNDER 37 CFR 1.705(b)**

05/16/2006 BABRAHA2 00000073 09212852  
04 FC-1455  
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The Applicant respectfully requests that the Patent Office reconsider the patent term adjustment determination for the above-identified patent application.

In support hereof, the Applicant submits the following:

1. In the Notice of Allowance mailed February 13, 2006, the patent term adjustment was determined to be 0 days. The Applicant believes this determination to be in error.
2. The Applicant believes the correct patent term adjustment should be calculated as

386 or 416 days.

3. A continued prosecution application (CPA) was filed on July 9, 2002.
4. The first Office Action after the filing of the CPA was mailed on July 25, 2002.
5. A response to the first Office Action was mailed on December 19, 2002. This response was apparently not received by the Patent Office.
6. A notice of abandonment was mailed on February 23, 2003.
7. A copy of the response to the first Office Action and a request to withdraw the holding of abandonment was mailed on March 11, 2003. A copy of the postcard accompanying the March 11, 2003 filing is enclosed in the Appendix, which establishes that the Patent Office received this filing on March 17, 2003.
8. The Patent Office therefore received the Applicant's response to the first Office Action 143 days after three months from the mailing date of the first Office Action (-143 days).
9. The second Office Action was mailed on March 1, 2005. This occurred 593 days after four months from the receipt of the response to the first Office Action on March 17, 2003 (+593 days).
10. A response to the second Office Action was received by the Patent Office on July 5, 2005, resulting in a delay of 34 days (-34 days).
11. The third Office Action was mailed on September 14, 2005.
12. A response to the third Office Action was received by the Patent Office on December 9, 2005.
13. A notice of allowance was mailed on February 13, 2006.

14. The Applicant believes the correct patent term adjustment should therefore be calculated as 416 days (593 days – 143 days – 34 days).

15. Alternatively, this patent application went abandoned on January 25, 2003. Four months from the filing date of the request to withdraw the holding of abandonment is July 17, 2003. This represents a time period of 173 days (-173 days).

16. Under this approach, the Applicant believes the correct patent term adjustment should be calculated as 386 days (593 days – 173 days – 34 days).

17. In the event the Applicant's calculation is incorrect and the Applicant is entitled to a patent term adjustment greater than 386 or 416 days, the Applicant respectfully requests that the Patent Office determine and issue the proper patent term adjustment entitled to the Applicant.

Therefore, the Applicant respectfully requests that the Patent Office reconsider the determination of patent term adjustment and find that the Applicant is entitled to a patent term adjustment in the amount of 386 or 416 days.

**SUMMARY**

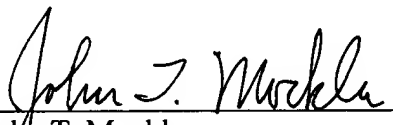
If any issues arise, the Applicant respectfully invites the Office to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

The Applicant has included the \$200.00 fee for this petition. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 12 May 2006

  
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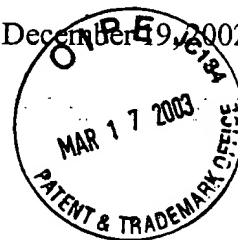
## APPENDIX

COPY OF POSTCARD ACCOMPANYING  
MARCH 11, 2003 FILING

Mailed: March 11, 2003  
In re Application of: NEERAV N. DALAL  
Serial No.: 09/212,852  
Filed: December 16, 1998  
Title: UNIFIED ARCHITECTURE FOR CDMA NETWORK AND  
METHOD OF OPERATION  
Docket No.: SAMS01-00063

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Certificate of Mailing by First Class Mail;
- 2) Request for Withdrawal of Holding of Abandonment;
- 3) Statement of Kathy Hamilton;
- 4) Copy of the Amendment and all related papers filed on December 19, 2002; and,
- 5) Copy of the User Detail Report.



RECEIVED

MAR 24 2003

DAVIS MUNCK

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MAR 31 2003

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